

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

\_\_\_\_\_  
GISSELLE RUIZ,  
individually and on behalf of all others  
similarly situated,

Plaintiff

v.

\_\_\_\_\_  
BALLY TOTAL FITNESS HOLDING CORP.,  
a Delaware Corporation  
HOLIDAY UNIVERSAL, INC.  
a Delaware Corporation

Defendants  
\_\_\_\_\_

Civil Action No.  
05-11052-NMG

**LOCAL RULE 16.1(D)(3) CERTIFICATION OF PLAINTIFF**

Pursuant to Local Rule 16.1(D)(3), the Plaintiff, Giselle Ruiz, certifies that she has conferred with her counsel:

(a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4 (i.e., mini-trial, summary jury trial, mediation).

Respectfully submitted,  
Gisselle Ruiz,  
By her attorneys,

Dated: \_\_\_\_\_

/s/ Elizabeth Ryan  
Elizabeth Ryan (BBO ##549632)  
John Roddy (BBO #424240)  
Gary Klein (BBO# 560769)  
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Dated: 8/8/05

Gisselle Ruiz  
Gisselle Ruiz  
Plaintiff